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Attorneys for Defendants
AUO Optronics Corporation and
AUO Optronics Corporation America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION

Master File No. 3:07-md-1827 SI
MDL No. 1827

This Document Relates To:

AT&T Mobility LLC et al v. AU Optronics Corporation, et al., Case No. 09-cv-4997

Best Buy Co., Inc., et al. v. AU Optronics Corporation, et al., Case No. 10-cv-4572

Costco Wholesale Corporation v. AU Optronics Corporation, et al., Case No. 11-cv-0058

Dell Inc. et al. v. Sharp Corporation, et al., Case No. 10-cv-1064

Eastman Kodak Company v. Epson Imaging Devices Corporation, et al., Case No. 10-cv-5452

Electrograph Systems, Inc., et al. v. Epson Imaging Devices Corp., et al., Case No. 10-cv-0117

Motorola, Inc. v. AU Optronics Corporation, et al., Case No. 09-cv-5840

Target Corp. et al. v. AU Optronics Corporation, et al., Case No. 10-cv-4945

TracFone Wireless, Inc. v. AU Optronics Corporation, et al., Case No. 10-cv-3205

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING AUO
DEPOSITIONS**

State of Missouri, et al. v. AU Optronics Corporation, et al., Case No. 10-cv-3619

State of Florida v. AU Optronics Corporation, et al., Case No. 10-cv-3517

Direct Action Plaintiffs and State Attorney Generals (“Plaintiffs”) and Defendants AUO Optronics Corporation and AUO Optronics Corporation of America (collectively, “AUO”) hereby stipulate as follows:

WHEREAS a superseding indictment was returned on June 10, 2010 against AUO, among others, in Case No. CR-09-0110-SI (“the Criminal Case”), and a jury trial is presently scheduled to commence in that action on January 9, 2012;

WHEREAS on July 5, 2011 the Special Master entered an order (Dkt. No. 3025) in the related class actions cases that, among other things, permitted the class plaintiffs to take depositions of certain witnesses after the conclusion of the Criminal Case;

WHEREAS on July 14, 2011 the Court entered an order (Dkt. No. 3110) that, among other things, set a December 8, 2011 cut-off for percipient discovery for certain Direct Action Plaintiff and State Attorney General cases specified therein;

WHEREAS Plaintiffs have advised AUO that they wish to schedule and take the depositions of the following ten individuals: S.I. Jeong, Claire Liu, Rigianna Wen, Morris Wong, David Su, Jason Chien, Frank Hsu, Arthur Chen, Richard Bai and Paul Peng;

WHEREAS Plaintiff Eastman Kodak Company has noticed the Deposition of AUO pursuant to Rule 30(b)(6) for December 6, 2011 (“AUO 30(b)(6) Deposition”);

WHEREAS AUO has advised Plaintiffs that Morris Wong, Jason Chien, and David Su are no longer employed by AUO and that AUO is unable to require that those individuals appear for deposition;

WHEREAS David Su is currently employed as the president of an AUO subsidiary, and Plaintiffs disagree with AUO’s refusal to make him available as a party witness.

WHEREAS, because of the pendency of the Criminal Case, the parties have agreed to schedule depositions to occur after the conclusion of the trial of that action;

1 NOW, THEREFORE, Plaintiffs and AUO, through their undersigned counsel and liaison
2 counsel, stipulate and request that the Special Master order as follows:

3 1. The fact discovery cutoff date of December 8, 2011 set forth in the July 14, 2011
4 Order (Dkt. No. 3110) is extended up to and including 90 days after the date judgment is entered in
5 the Criminal Case solely for purposes of completing the depositions of S.I. Jeong, Claire Liu,
6 Rigianna Wen, Arthur Chen, Paul Peng, Frank Hsu, Richard Bai, and the AUO 30(b)(6)
7 Deposition, as well any depositions of (i) the six present and former employees and officers of
8 AUO or AUOA who have previously asserted his or her right not to testify under the Fifth
9 Amendment of the United States Constitution and (ii) any individual who is disclosed and who is
10 permitted to be deposed pursuant to the July 5, 2011 Order or any modification thereto. The
11 parties shall meet and confer regarding dates, times, locations or other aspects of the depositions of
12 these individuals. It is further agreed that these depositions may be taken, notwithstanding the
13 numerical limitations on the number of depositions Plaintiffs are permitted pursuant to the Special
14 Master's Order re Number of Depositions filed May 13, 2009 (Dkt. No. 983).

15 2. Unless explicitly stated, nothing in this Stipulation and Order is intended to modify
16 any other Order of the Court or the Special Master, including without limitation the Special
17 Master's Order re Number of Depositions filed May 13, 2009 (Dkt. No. 983), Order re: Deposition
18 Protocol filed February 17, 2010 (Dkt. No. 1546), and the Order re: Pretrial and Trial Schedule
19 filed Nov. 23, 2010 (Dkt. No. 2165 and 2165-1), nor does this order prevent any party from seeking
20 further modifications to that or any other Order.

21 Dated: November 17, 2011

NOSSAMAN LLP

22 By: /s/ Carl L. Blumenstein

23 Carl L. Blumenstein

24 Attorneys for Defendants

25 AUO Optronics Corporation and

26 AUO Optronics Corporation America
27
28

1 Dated: November 17, 2011

CROWELL & MORING LLP

2 By: /s/ Jerome Murphy

3 Jerome Murphy

4 Liaison Counsel for Direct Action Plaintiffs

5 Dated: November 17, 2011

STATE OF FLORIDA

6 By: /s/ Lizabeth Brady

7 Lizabeth Brady

8 Office of the Attorney General, State of Florida
9 PL-0 1, The Capitol

10 Tallahassee, FL 32399-1050

11 *Counsel for Plaintiff State of Florida*

12 Dated: November 17, 2011

STATE OF MISSOURI

13 By: /s/ Anne E. Schneider

14 Anne E. Schneider

15 Assistant Attorney General/Antitrust Counsel

16 Missouri Attorney General Office

17 P. O. Box 899

18 Jefferson City, MO 65102

19 *Counsel for Plaintiff State of Missouri*

20 Dated: November 17, 2011

STATE OF ARKANSAS

21 By: /s/ David A. Curran

22 David A. Curran

23 Assistant Attorney General

24 Arkansas Attorney General Office

25 323 Center Street, Suite 500

26 Little Rock, AR 72201

27 *Counsel for Plaintiff State of Arkansas*

28 Dated: November 17, 2011

STATE OF MICHIGAN

By: /s/ M. Elizabeth Lippitt

M. Elizabeth Lippitt

Assistant Attorney General

Michigan Attorney General Office

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Lansing, MI 48933

Counsel for Plaintiff State of Michigan

1 Dated: November 17, 2011

STATE OF WEST VIRGINIA

2 By: /s/ Douglas L. Davis
3 Douglas L. Davis
4 Assistant Attorney General
5 West Virginia Attorney General Office
812 Quarrier Street, First Floor
Charleston, WV 25301
Counsel for Plaintiff State of West Virginia

6 Dated: November 17, 2011

STATE OF WISCONSIN

7 By: /s/ Gwendolyn J. Cooley
8 Gwendolyn J. Cooley
9 Assistant Attorney General
10 Wisconsin Department of Justice
PO Box 7857
Madison, WI 53707
Counsel for Plaintiff State of Wisconsin

11 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that
12 concurrence in the filing of this document has been obtained from each of the signatories.
13

14
15 **IT IS SO RECOMMENDED.**

16 Date: 11/21/11



Martin Quinn
Special Master

18 **IT IS SO ORDERED.**

19 Date: 11/22/11



The Honorable Susan Illston
United States District Court Judge